

Town of Lovettsville

Town Council

Minutes of Public Hearing and Regular Meeting January 13, 2011

PUBLIC HEARING

The Lovettsville Town Council Public Hearing on LVZA 2009-0004 Signs Zoning Ordinance Amendment was called to order by Mayor Elaine Walker at 8:02 P.M. at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

Welcomes and Introductions

Mayor Walker welcomed the citizens attending the meeting.

The Mayor introduced Vice Mayor Robert Zoldos II, and Council Members Tiffany Carder, Charlotte Coleman, Scott Dockum, Shaun Staley and Michael Senate. The Mayor also introduced the Town Staff, including Town Manager Keith Markel, Zoning Administrator Steve McGregor, and Town Clerk Judy Kromholz.

Absent

Council Member Michael Senate

Presentation

Zoning Administrator McGregor made a presentation on LVZA 2009-0004 Signs Zoning Ordinance Amendment (Attachment II: Staff Report).

Explanation of Procedures and Opening of the Hearing

Mayor Walker read the public notice of this Public Hearing as it appeared in the Purcellville Gazette (Attachment I).

Public Speakers

Mayor Walker introduced each speaker in the order in which they had signed up to speak (Attachment III: Speaker Signup Sheet). Vice Mayor Zoldos read the rules of procedure for the public hearing

- 1 Howard Williamson
Lutheran Church
Road
 - a) Mr. Williamson stated that he is glad to see this coming to a conclusion, and that it represented a lot of hard work by many people.
 - b) The current ordinance is confusing and out of date.
 - c) He emphasized that the Town had invited all the key players to participate during the process and was sorry to see that they did not attend any of these final meetings.
 - d) He explained that the work group had tried to find the right balance between community standards and business needs.
 - e) Commerce in the community is important and anything the Town can do to help the businesses is very much appreciated.
 - f) He recently brought projection sign consideration to the Planning Commission because the new Market Table Bistro requested it and he stated that it is a very subtle, impressive technology.
 - g) The end product before the Council today goes a long way towards what the original work group wanted to accomplish.
- 2 Seyed Seyedian
Rodeffer Road
 - a) Mr. Seyedian stated that he owns small business on Rodeffer Road and wants to be able to display a sign on Route 287 pointing customers towards his business.
 - b) He saw the public notice for this hearing and is hoping that the Town Council can help him get permission for his sign.

Mayor Walker asked if there were any further speakers and there were none. She noted that Planning Commission Vice Chairman Burden is in attendance and asked for his comments. He requested that the Council complete the process and not send the Ordinance back to the Planning Commission.

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Mayor Walker asked if Council had any questions of staff and they did not. She asked if any communications had been submitted to Town Hall for presentation at the Hearing and Town Clerk Kromholz stated there were none as of close of business today.

Declaration to close the Public Hearing

Mayor Walker again asked if there were any more speakers and there were none. She stated that this item would be open for comments for an additional ten days and declared this Public Hearing closed at 8:24 PM. A brief recess was declared.

REGULAR MEETING

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 8:30 PM on Thursday, January 13, 2011.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Tiffaney Carder, Charlotte Coleman, Scott Dockum, Shaun Staley
- Council Member Michael Senate *{arrived at 9:30 PM}*
- Town Manager Keith Markel
- Town Attorney Elizabeth Whiting
- Town Treasurer Lance Gladstone *{arrived at 8:55 PM}*
- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz

Absent

- None

Audience

Among those present in the audience were Darrin Casper (Lovettsville Business Association) and Planning Commission Vice Chairman Jack Burden.

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker called for a moment of silence for the tragedy in Tucson last Saturday. She then led the assembled in the Pledge of Allegiance.

Comments from the Public

There were none at this time.

Community Presentations

A. Lovettsville Business Association

Mr. Darren Casper informed the Council that he is no longer President of the LBA but is here speaking on their behalf. He stated that they are looking forward to having the Sign Ordinance enacted and that no one he spoke to had any complaints about the new ordinance. He conveyed a request to allow advertising signs on other owner's property and specifically asked about the baseball fields behind the elementary school. Vice Mayor Zoldos stated that there have been requests to advertise there in the past and it is not permitted. Mr. Casper asked the Council to consider allowing advertising in the area near the Lovettsville sign. He stated that the LBA is looking forward to being involved with activities in the park again this year. Vice Mayor Zoldos thanked him for coming but expressed concern that none of the LBA members have given the Town any feedback on the proposed ordinance, despite numerous opportunities and invitations. He stated that he does not want to hear negative comments retroactively after the ordinance has passed. Mr. Casper stated that he has not heard any backlash and that he has told the members about all of the meetings and sent them all copies of the draft ordinance. He stated that no one has contacted the LBA board with any negative feedback. He stated that he himself would tell his members that they had more than adequate opportunity to speak during the process if he hears any negative comments at this point. Mayor Walker asked that Council be informed when there are LBA meetings so they can attend.

B. Lovettsville Community Center

Mayor welcomed the Center's manager Elizabeth Bracey and thanked her for coming. Ms. Bracey explained the facts and figures she had previously had distributed to the Council. She emphasized that many of the programs are self financing and the goal is for all programs and the Community Center itself is to be financially self sufficient. She gave list of possible movies for next years' Movie on the Green program. She stated that she will be coming to Council every month to give them a status update and inform them of upcoming events.

C. Lovettsville Planning Commission

Vice Chairman Jack Burden presented his report on the activities of the Planning Commission and the Comprehensive Advisory Committee this month.

Additions/Deletions/Modifications to the Agenda

Attorney Whiting stated that she has not had an opportunity to draft the enacting ordinance for the Sign Ordinance and Administrator McGregor stated that it is on the agenda for discussion only.

Manager Markel added an information item concerning the Cigarette Tax Board.

Presentations

No presentations were scheduled.

Approval of Town Council Minutes

A. Town Council Public Hearing and Regular Meeting – October 14, 2010

Motion: To approve the minutes of the October 14, 2010 Town Council Public Hearing and Regular Meeting as modified.

By: Council Member Dockum

Second: Council Member Coleman

Aye: Council Members Carder, Coleman, Dockum, Staley

Nay: None

Abstain: Vice Mayor Zoldos

Absent: Council Member Senate

B. Town Council Public Hearing and Regular Meeting – October 28, 2010

Motion: To approve the minutes of the October 28, 2010 Town Council Public Hearing and Regular Meeting as modified.

By: Council Member Staley

Second: Council Member Carder

Aye: Council Members Carder, Coleman, Staley, Zoldos

Nay: None

Abstain: Council Member Dockum

Absent: Council Member Senate

C. Town Council Closed Session – November 11, 2010

Motion: To approve the minutes of the November 11, 2010 Town Council Closed Session as modified.

By: Council Member Dockum

Second: Council Member Coleman

Aye: Council Members Carder, Coleman, Dockum, Staley, Zoldos

Nay: None

Abstain: None

Absent: Council Member Senate

D. Town Council Public Hearing and Regular Meeting – November 18, 2010

Item tabled at the request of Mayor Walker.

Report from the Treasurer

A. Financial Report – October 2010

Treasurer Gladstone presented his written report for October 2010. Mayor Walker asked if the CDBG funds had been expended since October and Manager Markel confirmed that they had been. Mayor Walker noted that the meals taxes receipts were on track to be much higher than had been estimated. Councilman Staley and Mayor Walker asked why the water testing expense was so high, and Manager Markel stated that he would investigate the issue.

Motion: To approve the October 2010 Treasurer's report as presented.

By: Council Member Coleman

Second: Council Member Staley

Aye: Council Members Carder, Coleman, Dockum, Staley, Zoldos

Nay: None

Abstain: None

Absent: Council Member Senate

Staff Reports

A. Report from the Project Manager

Council had no questions concerning Project Manager Feller's status report dated January 13, 2011.

B. Report from the Zoning Administrator

Administrator McGregor presented his written report for December 2010. *{Councilman Senate arrived during this discussion at 9:30 PM.}* Councilman Dockum asked about Commissioner Burden's role in the proposed Lennar rezoning. Attorney Whiting stated that Commissioner Burden's involvement would not rise to the level of a legal conflict of interest, noting that he cannot effect the change himself, or vote to effect the change directly. The Commission only makes recommendations to the Council, which is the enacting body.

Manager Markel reported that Town staff had a very productive conversation with Mr. Dykstra concerning his conditional use application. All issues with the Town had been resolved. However, further investigation revealed that Loudoun County would require the business to provide water and sewer facilities for his staff which made the proposed site unusable for Mr. Dyktra's purposes.

C. Report from the Town Attorney

The Town Attorney had no formal report.

D. Report from the Town Manager

Manager Markel distributed his written report which covered the end of December through the beginning of January.

Consent Agenda

There were no items on the Consent Agenda.

Action/Discussion Items

A. Sign Enforcement Moratorium Extension

Manager Markel presented this item which had been scheduled for the December 16, 2010 Town Council meeting which had been cancelled due to weather. He explained that in October, 2008 the Town Council put into effect a moratorium on the enforcement of infractions of the sign ordinance that was in place at that time. The moratorium has been extended several times since then, most recently in July of 2010. The current extension is set to expire on January 1, 2011. The Planning Commission held a public hearing on the draft sign ordinance at their December 2010 meeting at which no members of the public spoke. The Planning Commission voted unanimously to recommend Town Council approval of the proposed text. The draft Sign Ordinance revisions are now before the Town Council for review, public hearing and adoption. If action is not taken on the Sign Ordinance at tonight's meeting, it is recommended that the Town Council extend the moratorium until March 31, 2011. If the sign ordinance is not amended by that time the Council should reconsider the matter.

Motion: I move that the moratorium on enforcing sign ordinance infractions that were in place when the moratorium was enacted be extended through March 31, 2011 or upon adoption of the Sign Ordinance. In addition, if the sign ordinance has not been acted

upon the Town Council shall reconsider the matter at the last meeting before the deadline.

By: Vice Mayor Zoldos

Second: Council Member Carder

Mayor Walker called for discussion. Councilman Dockum stated that he always felt that the moratorium protected the minority of businesses in Town that were not in compliance and was not fair to the majority which follow the rules.

Aye: Council Members Carder, Coleman, Staley, Zoldos

Nay: Council Members Dockum, Senate

Abstain: None

Absent: None

B. Loudoun Wireless Lease Extension

Manager Markel presented this request from Loudoun Wireless to add an additional 30 days for removal of their equipment from the elevated storage tank. He explained that at the September 30, 2010 Town Council meeting, the Council granted Loudoun Wireless an additional 60 days beyond the 30 days provided for in the contract to terminate service and remove equipment from the Town's elevated water tank. This extension permitted Loudoun Wireless to remain on the tank until December 14, 2010. At the November 18, 2010 Town Council meeting Loudoun Wireless was granted another 30 day extension, making the current date for removal January 13, 2011. On December 10, Loudoun Wireless submitted a new letter to the Town asking for an additional 30 days to be added to the 90 extension to allow more time to "move customers, create new systems and reduce the number of current customers that are adversely affected". If granted, the additional 30 days would permit them to keep their equipment on the tank until February 12, 2011. Loudoun Wireless has proposed paying \$1,200 for the additional 30 day extension. They are already paying \$3,600 for the previously approved 90 day extension. Staff has no objection to extending the time for equipment removal.

Motion: I move that the Lovettsville Town Council allow Loudoun Wireless an additional 30 days beyond the 30 days provided in the existing contract and the 60 day extension approved on September 30, 2010 and the 30 day extension approved on November 18 2010 for the discontinuance of service and full removal of equipment from the Town's elevated storage tank. With the approval of an additional 30 days, the new final date for equipment removal will be February 12, 2011.

By: Vice Mayor Zoldos

Second: Council Member Dockum

Mayor Walker called for discussion. Councilman Dockum asked if this would prevent the Town from signing any other contracts and Manager Markel stated that it would not and is actually to the Town's advantage at this time to have them continue to pay rent for the space. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Carder, Coleman, Dockum, Senate, Staley, Zoldos

Nay: None

Abstain: None

Absent: None

C. Lennar (Heritage Highland) Request to Waive Rezoning Fee

Manager Markel presented this item. He explained that Lennar Homes has made a request to have the Town waive the rezoning application fee for the Heritage Highlands development project. He explained that Heritage Highlands (Lovettsville Retirement Village) was originally rezoned from CR-1 to R-1 in 2003. At that time the R-1 district in Lovettsville allowed duplex style homes as part of a Retirement Community as a conditional use permit. Since that time, that housing type has been removed along with the retirement community from the list of conditionally permitted uses in the R-1 district. The applicant has met several times with Town Staff, Mayor Walker and Attorney Whiting to discuss how this project can move forward. It was determined that in order for the proffers to be amended the Developer will need to rezone the property to the R-C, Retirement Community Zoning District. This rezoning will not only allow the Developer to request proffer amendments, but it will also bring the parcels into a more appropriate zoning district based on their use. The cost of a current rezoning is \$500 for the first acre and \$250 for each additional acre. This would amount to a total charge to the developer of \$5,750 if the fee is not waived.

Mayor Walker called for discussion. Councilman Dockum asked if the Council would be setting a precedent and Manager Markel stated that this is the only situation he is aware of where the ordinance changed after the developer began construction. Vice Mayor Zoldos asked for an explanation of the practical effect of the requested change. Manager Markel stated that the developer wants to modify their proffers and cannot do so without this change because Heritage Highlands is now a legal nonconforming use and cannot request changes. Attorney Whiting stated that proffers for a nonconforming use cannot be liberalized or amended because, conceptually, a nonconforming use should be allowed to wither and die. She noted that the Town still allows planned retirement communities, but only in R-C zoning. Councilman Staley asked if Heritage Highlands is legal as currently situated, and Manager Markel explained that they are legal as a nonconforming use; this only became an issue because they want to make changes and the Town Zoning Ordinance has changed since they were originally granted their Conditional Use Permit. Mayor Walker explained that this land was originally brought in from the County and changed at that time from County zoning of CR-1 to Town zoning of R-1. The Town then granted the developer a Conditional Use Permit to construct a retirement community. She asked if waiving the rezoning application fee would affect the Town's ability to negotiate with them on proffers and Attorney Whiting pointed out that the final paragraph of the resolution specifically addresses this issue.

Motion: I move that the Lovettsville Town Council grant the request by Lennar Homes to have the rezoning application fee waived for the Heritage Highlands Project in accordance with Resolution 2011-01-001. The developer will be required to pay all other related charges, including staff time and legal and engineering review expenses (Attachment IV).

By: Vice Mayor Zoldos

Second: Council Member Senate

Aye: Council Members Carder, Coleman, Dockum, Senate, Staley, Zoldos

Nay: None

Abstain: None

Absent: None

D. Lennar (Heritage Highland) Discussion on Sewer Tap Allocations

Manager Markel presented this item for discussion purposes only. He explained that the Council may need to consider the allocation of sewer taps in conjunction with a possible increase in density for the independent living units within the Heritage Highlands development project. He explained that when the Lovettsville Town Council approved the rezoning and accepted the proffers for the Lovettsville Retirement Village (now Heritage Highlands) in 2001 it allowed the developer to apply ½ sewer tap to each one of the independent dwelling units. Thus, only 40 sewer taps were needed for the 80 dwelling unit development. Justification for needing only ½ per unit was based on occupancy for each of the dwelling units being limited to only two individuals, except for temporary guests. No water taps were required, as the developer of the project provided a well, filtration building and distribution system at its own expense. The current residents/property owners of the development along with Lennar, the owner and developer of the Heritage Highlands age restricted, independent living component of the community, which includes duplex and single family detached homes has filed an application with the Town to modify some of the current proffers that were accepted by the Town in 2001. One of the modifications is requesting that an additional occupant be allowed in each dwelling unit, so long as they are providing "assistance" to the permanent resident(s) or are a handicapped family member. The Town Council will need to decide if the sewer tap allocation needs to be modified if an additional occupant is allowed in each dwelling unit. Possible modifications could include requiring all of the units within the development to purchase an additional half tap, or to require only those units that wish to increase their occupancy to purchase the tap. There are pros and cons to these options that need to be discussed, such as equity with other neighborhoods in Town and the administrative costs associated with monitoring the allocation of taps. Council agreed to discuss this further at a future meeting.

E. Reappointment of Thomas Ciolkosz to the Board of Zoning Appeals

Manager Markel presented this item. The Council is being asked to consider reappointing Tom Ciolkosz to a second term on the Lovettsville Board of Zoning Appeals. Manager Markel explained that on April 22, 2010 Tom Ciolkosz was appointed to the Board of Zoning Appeals to fill the unexpired term of Kelly Tidwell. Mr. Tidwell's term was set to expire on January 24, 2011. Mr. Ciolkosz is willing to continue his service to the Board, should the Town Council reappoint him to a second term.

Motion: I move that Mr. Ciolkosz be reappointed to the Lovettsville Board of Zoning Appeals

for a four year term to expire on January 24, 2015.

By: Council Member Dockum
Second: Council Member Carder
Aye: Council Members Carder, Coleman, Dockum, Senate, Staley, Zoldos
Nay: None
Abstain: None
Absent: None

F. LVZA 2009-004: Sign Ordinance

Administrator McGregor had made a presentation on the item during the Public Hearing earlier this evening. Vice Mayor Zoldos proposed tabling any discussion and vote until the new text is available. The Council also wants to discuss the possibility of allowing advertising signs at the ball fields. Attorney Whiting advised that this change in the use of public property would require additional public discussion. She advised voting on the current draft Ordinance, which does not allow signs in public spaces, and taking up public signage as a separate item at a later date. The Council agreed.

Information Items

A. Set Date for Town Council Retreat for Saturday in January

The Mayor and Council agreed to hold the first retreat of 2011 on January 22nd from 9:00 AM – Noon in Town Hall.

B. Northern Virginia Cigarette Tax Board

Manager Markel explained that there is a proposed state house bill proposed by cigarette wholesalers that would create a state wide standard for enforcement and penalties instead of the current individual controls that localities or regional boards have, such as the Northern Virginia Cigarette Tax Board. The Town has been asked to inform our legislators that it does not support this change. Manager Markel is asking council to authorize him to state that the Town supports the local board in opposing this change. Council authorized Manager Markel to state that the Town opposes the change.

Comments from the Mayor and Town Council

Councilwoman Carder reported that the cooperative grocery effort is still gaining momentum. They had an expert on forming cooperatives meet with the committee and Mayor Walker and gained a great deal of useful information. The group will be electing a board of directors this coming week.

Councilman Staley reported that he and Councilwoman Carder met with an economic development group and will be bringing something before Council shortly.

Councilman Senate apologized for being late and explained that he had been attending the graduation ceremonies for the latest group of volunteer fire fighters.

Vice Mayor Zoldos reported that the Lovettsville Elementary School PTO bingo will be in Friday, January 21st. He also reported that the PTO Casino Night, which is the major fundraiser for the elementary school will be held on April 1st and will have a Mardi Gras theme this year.

Mayor Walker reported on the following:

1. John Stowers, a longtime chairman of the Loudoun County Planning Commission, passed away recently. She attended and spoke about his service to the Lovettsville community.
2. Along with Supervisor Kurtz, she attended a Dominion Virginia Power meeting about their plans to upgrade the existing power line in the existing right of way.
3. The public hearings concerning PATH will be in February at Loudoun Valley High School. She noted that Maryland and West Virginia have denied their application.
4. She reported that the large Certificate of Deposit has been renewed at the best rate she was able to negotiate with John Marshall Bank.
5. She and Manager Markel attended the Northern Virginia Towns Association meeting in Vienna last week. They will be meeting in Lovettsville in March or April.
6. She attended a Health Council meeting today and reported that the Loudoun County Public Schools has received several million dollars in grant money for physical education. The Lovettsville Elementary School will be part of the initial program.

7. She enjoyed the coop meeting Councilwoman Carder reported on and learned a great deal from their guest speaker.
8. She reported that the Planning Commission will be reviewing the Comprehensive Plan on January 19th and encouraged the Council members to attend that meeting.

Comments from the Public

There were no comments from the public at this time.

Discussion Item – School Locations in the Lovettsville Area

The Council and Attorney Whiting agreed that this item should be discussed in open Session. Vice Mayor Zoldos explained that a Lovettsville citizen had emailed the Loudoun County School Board members about her desire for a middle and high school to be located in the Lovettsville area. School Board Member Robert J. Ohneiser (Broad Run District) had responded to her email and had stated that the Town had not participated and not supported any requests for schools in the area. School Board member Jennifer Bergel (Catoctin) had already responded to the citizen and to Mr. Ohneiser, pointing out the inaccuracies in Mr. Ohneiser's statements. Mayor Walker had prepared a draft of her response and asked the Council to review and comment on it before it is delivered to all of the School Board members and all of the members of the Board of Supervisors. The Council approved Mayor Walker's draft. Vice Mayor Zoldos stated that he is really upset that Mr. Ohneiser's responded to a citizen from his personal email account with deliberately inaccurate information.

Closed Session

Council went into closed session at 11:24 PM (Attachment V)

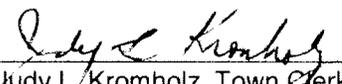
Open Session

The Council came back into Open Session at 11:50 PM and Councilman Scott Dockum tendered his resignation from the Town Council and as leader of the Oktoberfest Committee effective immediately.

Adjournment

There being no further business before the Council, Mayor Walker Adjourned the meeting of January 13, 2011 at 11:55 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: February 24, 2011

Attachments:

- I. *Purcellville Gazette* Public Hearing Notice
- II. Staff Report - LVZA 2009-0004 Signs Zoning Ordinance Amendment.
- III. Speaker Signup Sheet
- IV. Resolution 2011-01-001: Waive Rezoning Fees for Heritage Highlands
- V. Closed Session Motions

General Assembly Update

by Senator Jill H. Vogel

The House and Senate of Virginia will convene for the 2011 General Assembly session this January 12th. It is an historic year as the Legislature addresses budget challenges unprecedented in the modern history of the Commonwealth and undertakes the monumental process of redistricting. Amidst that backdrop, the Legislature will also consider several thousand pieces of legislation.

Despite signs of recovery, revenue shortages dominate pre-session discussions. Billions of dollars were cut from the budget already, however more cuts are inevitable. Recently, Governor McDonnell asked the Legislature to adopt \$191.6 million in cuts and adjustments to the current two-year budget.

The rationale for spending adjustments is to redirect money for certain education, transportation and job expansion programs. The Governor's education proposal includes more money for higher education with a goal of 100,000 more degrees awarded in the next 15 years. His transportation plan includes \$4 billion in new transportation money over the next ten years. This comes on the

heels of the remarkable VDOT audit that uncovered \$1.5 billion in unspent transportation money sitting at VDOT. Countless other money issues exist, but perhaps none as important as the Virginia Retirement System crisis. The state retirement fund is nearly \$18 billion short and we owe it to every state employee to make system-wide solutions a priority and keep VRS solvent.

It is not all grim, however. New industries continue to locate in the Commonwealth as we provide an example of what conservative budget choices yield. States that decided to raise taxes and spend their way to recovery are bankrupt with the best jobs fleeing their borders. Meanwhile, the Virginia Legislature balanced the budget with painful but necessary cuts, keeping taxes the same, attracting new jobs and generating some of the lowest unemployment numbers in the country.

The Legislature will also undertake the complex process of redistricting this session. Redistricting occurs every ten years when the boundaries of each Congressional and state legislative district are redrawn to accommodate new population figures. Two weeks ago, we received the first official 2010 census numbers. Virginia's

population grew by 11.4%, with substantial growth in our region. In the 27th senate district, Frederick County grew 26.7%, Fauquier 23.2%, Clarke 15%, Winchester 11.6% and Loudoun a whopping 77.6%. To maintain proportional districts, higher population districts will have to shrink accordingly.

It is worthwhile to mention that redistricting is also significant because of the impact on the 2011 elections. All 140 members of the House and Senate are up for election this November. Because the redistricting process will not be complete until the summer, the election calendar will be compressed with party primaries pushed to the fall.

This year, I continue to serve on the Rehabilitation and Social Services Committee, the Committee on General Laws and Technology, and the Privileges and Elections Committee. Recently, I was appointed to the Governor's Transportation Workgroup and the Prison Re-Entry Commission and our efforts have produced meaningful proposals for 2011.

I take your thoughts and opinions seriously and hope you will get in touch with our office if you have questions or concerns. Over the next few weeks, I will provide updates via email, facebook and my website www.senatorjillvogel.com. I can be reached during the General Assembly session at 804-698-7527, P.O. Box 397, Richmond, VA 23218 or you can email me at jillvogel@senate27.com. I hope that you had a wonderful Christmas and I wish you a very Happy New Year! ♦

Public Hearing/Legal Notice

21ST AND 23RD STREETSCAPE IMPROVEMENTS: PHASE I in the Town of Purcellville, VA.
VDOT PROJECT NUMBER EN06-296-125; P101, R201, C501
UPC # 81774

The Town of Purcellville is accepting competitive sealed bids from qualified contractors for the 21ST AND 23RD STREETSCAPE IMPROVEMENTS: PHASE I in the Town of Purcellville, VA. Sealed Bids will be accepted until 2:00 p.m. on Tuesday, February 1, 2011, at the Town of Purcellville located at 130 E. Main Street, Purcellville, Virginia 20132. Bids must be clearly marked on the outside of the envelope "Sealed Bid - JFB No. SW-10-02-21ST AND 23RD STREETSCAPE IMPROVEMENTS: PHASE I in the Town of Purcellville, VA." Bids will then be publicly opened and read aloud. Bids received after the specified time will not be considered. A Contractor wishing to withdraw his bid shall give notice in writing of his claim of right to withdraw his bid within two business days after the conclusion of the bid opening procedure and shall submit original work papers with such notice.

A mandatory pre-bid conference will be held on Tuesday, January 11, 2011 at 2:00 p.m. at the Purcellville Town Hall, 130 E. Main Street, Purcellville, Virginia.

The project includes but is not limited to the installation of approximately 1,300 LF of curb and gutter and appurtenances, approximately 1,000 SY of concrete sidewalk and appurtenances, approximately 2,700 SY of brick pavers and also street lights, tree grates, bollards, and various streetscape elements. The Scope of Work is more fully set forth in the Contract Documents, including a Disadvantaged Business Enterprise (DBE) requirement of nine percent (9%).

Interested bidders may download the Invitation for Bid (IFB) with all Contract Documents from the Town's website www.purcellvilleva.gov. General Contractors may contact the Public Works Department, at (540) 751-2334 to pick-up one (1) copy of the Contract Documents free of charge at Town Hall. Questions regarding the Bidding Documents should be directed in writing to: Capital Projects and Engineering Manager, Town of Purcellville, 130 East Main Street, Purcellville, VA 20132, or by email to dlc@pwg@purcellvilleva.gov.

Bidding Documents can be examined in the Town of Purcellville Town Office, 130 East Main Street, Purcellville, VA. The following plan rooms have received sets of Bidding Documents:
 McGraw Hill Construction / Dodge Plan Room: 9 North 3rd St. Richmond, VA 23219
 The Builders Exchange Association of Virginia, 3207 Hermitage Road Richmond, VA 23227

Notice of Public Hearing Lovettsville Town Council

The Lovettsville Town Council will hold public hearing on the following item at their meeting on January 13, 2011 at 8:00pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue. IY/ZA 2009-0004: Repeat Article 7 of the Lovettsville Zoning Ordinance and enact revised Article 7 in its place, entitled "Sign Regulations".

The text being considered is available for review at the Town Hall between the hours of 9AM and 3PM weekdays or by special appointment, holidays excepted. Call 540-822-5788 for more information or visit www.lovettsvilleva.gov.

TOWN OF LOVETTSVILLE REQUEST FOR PROPOSALS TOWN ENGINEER (Water and Sewer Focus Area)

The Town of Lovettsville, Virginia requests proposals for engineering services as the Town Engineer with a special focus on Water and Sewer facilities design, maintenance and operation. Other engineering services needed may include but not be limited to support for development review, streetscape planning and design, and park development. A detailed description of the scope of services and proposal requirements are contained in the Request for Proposals. Copies of the RFP are available in the Town Office or on the Town Website at www.lovettsvilleva.gov or contact via email to kiellers@lovettsvilleva.gov.

Five (5) copies of the proposal must be received in the Town Office by February 4, 2011 at 4:30 PM. Please deliver all correspondence to: Karin Feilers, Project Manager, Town of Lovettsville P.O. Box 209, 6 E. Pennsylvania Road, Lovettsville, VA 20180

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Record for Loudoun County

Woodgrove High School Athletics

Women's Basketball Update

The Woodgrove women's basketball team lost to Briar Woods, 50-33 on December 14.

The Woodgrove women's basketball team lost to Sherando, 70-36 on December 13. Woodgrove boxscore: S (0-0, 0-0) --- Totals 0 0-0 70. W (1-4, 0-1) --- Purnell 11, Tilly 8, Miller 4, Fagan 3, Basinger 2, Carver 2, Hemphill 2, Ratcliff 2, Smolens 2. Totals 15 6-9 36. Halftime: Sherando, 28-19.

Men's Basketball Update

The Wolverines fell to Park View on December 17 after a last second three point shot by Dombkowski. Final score was 72-69. Brad Gilson led all scorers with 28 points, 16 of which were in the first quarter. Brett Danielson was the Wolverines' second leading scorer with 20. Park View was led by Dombkowski and Absher with 21 a piece. Also, Horvath finished with 18 for the Patriots.

The Woodgrove Wolverines recorded their first ever district win vs. the Freedom Eagles on December 20 with a score of 64-57. Brad Gilson led the Wolverines in scoring with 24 and made 8 of 9 free throws down the stretch. Matt Caslin also contributed 19 points and took 4 offensive charges. Go Team Woodgrove! ♦

Town of Lovettsville

STAFF REPORT

TOWN COUNCIL

PUBLIC HEARING	
ITEM IDENTIFICATION	LVZA 2009-0004 Signs
TYPE OF ITEM	Zoning Ordinance Amendment
DATE OF HEARING	January 13, 2011
APPLICANT	Town of Lovettsville

BACKGROUND: In the fall of 2007 the Town Council authorized an evaluation of Zoning Ordinance Article 7 SIGNS with the intent to make changes. A committee was formed to evaluate the article in 2008. A draft had been created and discussed by the Planning Commission in 2004-05 but it was not brought to a public hearing. This was used as a starting point for the 2008 sign committee discussions along with the Zoning Administrator suggested revisions based on comments made in the 2005 period by the Town Attorney on the draft of the article being discussed at that time. The 2008 sign committee consisted of representatives of the Planning Commission, Town Council, Lovettsville Business Association and NVRetail, owner/developer of the Lovettsville Town Center mixed use commercial and residential project.

The sign committee discussed many options and issues related to the article. They had the business community attend a meeting to discuss their point of view. In 2009 the committee forwarded a redraft of Article 7 to the Planning Commission, which made some changes in March that were forwarded to the Town Attorney for comment. Approximately one year later the Town Attorney comments were available and staff redrafted the article based in part on the Town Attorney concerns and in part based on the need to streamline the text and remove as much redundancy as possible. A new redraft of the Article was forwarded to the Planning Commission in the summer of 2010 at which time the Commission undertook additional discussions, as many of the commissioners had not been on the Commission when the original draft was formulated.

The Town held a public information session on October 25, 2010 on the article at which time there was additional discussion with the Commission. The Planning Commission

held a public hearing December 1 after discussing further changes based on the public information session discussion. At that meeting the Commission made a recommendation to forward a revised version of Article 7 Signs to the Town Council, which is attached for public hearing.

DISCUSSION: The entirety of Article 7 was reviewed by staff, the sign committee and Planning Commission. The following summarizes the major changes for consideration:

1. The format was streamlined. Some subject headings were combined under a new heading. For example, there is a new heading entitled Administration and Enforcement that had subheadings for Application for a Permit, Sign Compliance, Expiration of Sign Permits, Non-Conforming Signs and Construction and Maintenance Standards. Instead of listing all prohibited sign and having a definition of such signs, a statement was inserted stating that unless a sign is specifically listed in the sign definitions, it is not permitted.
2. Signage for multiple business developments (e.g., office parks, shopping centers, industrial parks). There was extensive discussion of what kind of signage is appropriate and what standards should apply so that existing, single tenant businesses were not put at disadvantage. Discussion also centered on whether or not multiple business developments should be required to have comprehensive signage plans to ensure architectural uniformity while allowing individual tenants signage that suited their needs. It was concluded by the Planning Commission that a comprehensive signage plan should be required for such developments on two acres or more and that any sign in a comprehensive signage plan would have to meet the standards stated in Article 7 Signs.
3. Much discussion focused on whether or not OPEN signs should be internally illuminated. Other types of signs are not permitted to be internally illuminated. The Commission concluded that given the small size allowed for OPEN signs it would be beneficial to businesses to allow them to be internally illuminated.
4. Projected signs were included to be permitted as wall signs. These are signs projected upon surfaces or buildings, or walls, or other structures that are not generally used during daylight hours of business operation. They may be used for advertising or decoration.
5. The Planning Commission's 2009 draft text included a sunset provision for non-conforming signs so that after a period of time such signs would have to be brought into conformance with the ordinance. The Town Attorney advised that state law would preclude this provision so it has been removed. A non-

conforming sign is considered permanent if it meets the standards for non-conforming signs in Article 7 Signs.

At the Council meeting, December 9, an issue was raised concerning the standards for commercial and residential property leasing signs. The issue involved the size of signs, the time duration they should be permitted and whether or not commercial leasing signs should have the same standards as residential leasing signs. This is a legitimate concern and should be discussed by the Town Council as part of its deliberations on amending Article 7 Signs.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended an amendment of Article 7 Signs, which is attached.

RECOMMENDATION: The Town Council may consider the proposed draft for Article 7 Signs recommended by the Planning Commission.

DRAFT MOTION: “I move that the Town Council approve the proposed text attached to this staff report for LVZA 2009-0004 Signs [with the revisions agreed upon at this meeting].”

ATTACHMENT: 1) Draft revision of Article 7 Signs, Lovettsville Zoning Ordinance Recommended by the Planning Commission, December 1, 2010.

Town of Lovettsville
Article 7 Signs
Amendment to the Town Zoning Ordinance

7-1 PURPOSE AND INTENT

The provisions of this Article are intended to establish regulations for all exterior signs and to further the objectives of the Lovettsville Comprehensive Plan. In that regard, it is intended to promote signs that are beneficial to businesses and maintain a uniform criterion throughout the Town that protects the character, history, and community within the Town of Lovettsville corporate limits. The provisions of this Article are intended to permit signs that are compatible with the landscape/streetscape and architecture of surrounding buildings; are legible and appropriate to the activity to which they pertain; are not distracting to motorists; and are constructed and maintained in a structurally sound and attractive condition.

Specifically, this Article is intended to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs that may distract, confuse, and impair the visibility of motorists and pedestrians; to promote the safety of public streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values; and to further economic development.

7-2 APPLICABILITY

Signs constitute a separate and distinct use of the land. For purposes of this ordinance, signs are considered as accessory uses of real property and shall only be located on the property to which they pertain. These regulations shall apply to all signs erected, installed, or affixed within the Town of Lovettsville subsequent to July 1, 2008.

7-3 SIGN PERMIT REQUIRED

Any sign that is erected, installed, affixed, relocated, or replaced in any zoning district, shall have a permit, except as provided in Section 7-5 of this Article.

7-4 SIGN DEFINITIONS

The following definitions are for all signs allowed by this Article. Any type of sign not expressly allowed in this section or allowed at the discretion of the Zoning Administrator is not allowed.

Awning. A sign that is imprinted upon or affixed to a roof-like cover, whether retractable or not, and affixed to and extending from a building with open air

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underneath. An awning is meant for sheltering occupants of a building from the elements.

Banner. A sign made of a flexible material and is meant to flutter when activated by the wind.

Bulletin Board. A sign that identifies an institution or organization on whose premises it is located and that contains the name of the institution or organization, the names of individuals connected with it; and provides information about or announcements of events or activities occurring on the property.

Canopy. A sign that is imprinted upon or affixed to a canopy. A canopy is a permanent or temporary structure that provides a roof over a specific area without walls and is meant to protect people from the elements

Changeable Copy. Letters, symbols and numbers that appear on a sign that can be rearranged manually.

Civic, philanthropic, educational, or religious events. Signs for organized civic, philanthropic, educational or religious activities sponsored by non-governmental organizations or associations.

Construction. A temporary sign erected on the premises where construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, or firms having a role with respect to the development on a site.

Credit Card, Association Decals. Signs that are generally affixed to glass that advertise which credit cards are accepted by a business or what business or other associations are associated with an activity on a property.

Directory. A sign listing the tenants or occupants of a building or group of buildings and that may also indicate their respective professions, businesses, and hours of operation.

Flag or pennant. A sign constructed of a flexible material that moves under the force of the wind and installed for decorative, advertising, identification, personal expression, or other purposes.

Freestanding. A sign that is not affixed to a building or similar structure but is anchored into the ground or a structure specifically designed to hold the sign in place. Pole and monument signs are freestanding signs; wall, projecting, canopy, awning signs are not freestanding.

Government. A sign erected and maintained by a governmental entity pursuant to and in discharge of any governmental function or required by law, ordinance,

or other governmental regulation; or intended to direct or control traffic; identify streets, parks, and historical events; or to provide other official information.

Ground-Mounted. (see Monument sign)

Information-Directional. A sign that provides information and directions necessary or convenient for visitors coming on the property to reach a destination on the property. Such signs include those for marking and indicating the location of structures or features; entrances and exits, parking areas, circulation direction, restrooms, and pickup and delivery.

Landmark / Historical/Memorial. Any sign identifying a place, site, structure, feature, or vista of artistic or historic merit, uniqueness, or of significance to the entire community.

Logo. A business brand or trademark that is usually an image but may include letters or numbers.

Model Home Office or Sales Trailer. Signs that identify the sales opportunity within a community, commercial, or light industrial development. May include address, hours of operation, phone numbers, business logos, and other information related to the sale of leasing of property.

Monument. A sign which is designed so its entire bottom edge is in contact with or is within six (6) inches of the ground upon which it is installed.

OPEN. A sign imprinted with the word "OPEN", indicating that the public may have access to a business, service, function, or activity.

Personal Expression. A sign that shows religious, political, or other messages, including any combination of words and images; or a sign used as decoration. Includes grave markers.

Pole. A freestanding sign that is mounted on or affixed to one or more posts or poles.

Portable. Any sign that can be moved from one location to another by one person without the aid of a machine.

Private Event. Any non-commercial activity on private property in any zoning district that is sponsored or permitted by the owner of the property. The activity can be open to the public or only to guests of the property owner.

Property Posting. Signs that show such information as "Private Property," "No Trespassing", "No Hunting", "Beware of Dog", "For Sale", "Danger", "No Access", "Not Liable for Injury", "No Picnicking", or "Private Entrance".

Private Sale, Yard Sale. A temporary sign advertising private sales of personal property, such as "For Sale", "For Rent", "garage sales", "yard sales", and "rummage sales".

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Projecting. A sign that hangs or extends from a building or a structure.

Real Estate. A sign advertising the sale or lease of a property.

Residence Address and Name. A sign indicating the name and/or address of the occupants of a residential property.

Seasonal produce stand. A sign identifying an outdoor, open air tent or stand made of wood or other solid material from which locally grown or manufactured food products are sold to the public during the local growing season.

Suspended. (See Projecting)

Vehicle Safety Inspection. A sign that indicates that official State vehicle inspections and emissions testing are available.

Wall. A sign comprised of lettering, numbers, images, or logos, or any combination, affixed to, imprinted upon, or projected onto an exterior wall, or structure. Projected wall signs shall comply with sign illumination standards, Section 7-5 A, 8.

Window. A sign that is affixed to or imprinted upon a windowpane and is visible from off-site.

7-5 SIGN STANDARDS

A. General Sign Standards

- (1) Determination of Sign Height: The height of a sign shall be measured from the ground level to the top most portion of the sign.
- (2) Number of Sign Faces: No sign shall have more than two (2) sign faces.
- (3) Determination of Monument Sign Area: The surface area of the sign face or the space enclosing lettering or logo, not the structure upon which the sign may be mounted, shall determine the total square footage of the monument sign.
- (4) Determination of Sign Area: This is a measure of the surface area which encompasses any regular geometric figure (square, circle, rectangle, triangle, etc.) enclosing all parts of the sign face.
- (5) Area of Sign with Two Sign Faces: The area of a sign with two (2) sign faces shall be computed according to the following:
 - i. Sign faces separated by an interior angle of forty five (45) degrees or greater, both sign faces shall be included.
 - ii. Sign faces separated by an interior angle of less than forty five degrees (45), one sign face shall be included, provided, however,

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the area of the largest sign face shall be used when two faces are unequal in areas.

- (6) No sign shall be located on a roof of any type. This does not apply to canopy signs.
- (7) No sign shall be located in a public right-of-way without permission of the Virginia Department of Transportation and notification to the Town.
- (8) Sign Illumination. These standards apply to all signs:
 - i. Internally illuminated signs are prohibited, except where expressly allowed in this Article.
 - ii. The exterior illumination of signs shall be focused only on the sign and sign area for which it is intended and shall not cast distracting glare or reflect light beyond the property upon which the sign is located.
 - iii. An OPEN sign may be illuminated internally (e.g., neon, backlit, or LED type) with any color or externally only by white light and no part of the sign shall move or be flashing. Such a sign shall only be illuminated during business hours. An OPEN sign may include the hours of operation. See Section 7-5 B, OPEN sign, for standards that apply.
 - iv. Projected wall signs shall not move, flash or be animated.
- (9) An individual business is defined for purposes of this Article as one or more commercial activities that occupy the same leased or owned space. It is the space, not the number of commercial activities within that space that constitutes an individual business. Signage standards apply to the space not the number of tenants occupying such space.

B. Standards by Sign Type. Signs are to be considered permanent and permits required, unless otherwise stated.

- (1) **Awning.** Area of sign may be up to ten (10) square feet. Logos may be included in such a sign. Lettering and numbers that are not part of a logo shall not exceed eight (8) inches in height.
- (2) **Banner.** Only allowed for non-residential uses in any district, except for personal expression signs. The total area of a banner sign shall not exceed thirty (30) square feet. Sign shall be set back five (5) feet from the property boundary. Shall only be a temporary sign.
- (3) **Bulletin Board.** Area shall not exceed four (4) square feet, except in a multi-tenant property, in which case the area shall be determined by the Zoning Administrator. (No permit required)

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- (4) **Canopy.** No more than one sign on a side is allowed and signs are allowed on no more than two (2) sides of a single canopy. The area of each sign on each side of a canopy shall not exceed twenty (20) square feet.
- (5) **Changeable Copy.** No standards apply to the copy. (No permit required). Standards apply to the types of signs upon which changeable copy is affixed, as stated in this section.
- (6) **Civic, Philanthropic, Educational, or Religious Events.** Temporary signs only for such events not sponsored by a governmental entity. Number of signs shall not exceed one (1). Sign area shall comply with standards for the type of sign. Signs shall not be displayed more than thirty (30) days prior to the event and shall be removed within three (3) calendar days following the event.
- (7) **Construction.** Such signs identify the project, the owner or developer, contractor, subcontractors, architect, landscape architect, engineer and funding sources and may contain related information including but not limited to sale or leasing information. Not more than one sign shall be erected per public street frontage of the property, not including internal public streets. Each sign permitted shall not exceed an area of twenty (20) square feet and six (6) feet in height and shall not be illuminated. Such signs shall be removed within 30 days after issuance of the last occupancy permit in the development. (No permit required)
- (8) **Credit Card, Association Decal.** No standards apply. (No permit required)
- (9) **Directory.** Sign area shall not exceed four (4) square feet per tenant. The sign area of such signs on a multi-tenant property shall be determined by the Zoning Administrator. (No permit required)
- (10) **Flag or Pennant.** Shall not exceed fifteen (15) square feet. Area of such signs is not included in the total square footage allowed for a business or development. Such signs must hang at least eight feet above grade if it is hung over a pedestrian walkway and may not hang over any portion of a public street right-of-way. (No permit required)
- (11) **Freestanding.** (See Monument and Pole signs)
- (12) **Government.** No standards apply. (No permit required)
- (13) **Ground-Mounted.** (See Monument sign)
- (14) **Information-Directional Sign.** The size and location of such sign(s) shall be determined by the Zoning Administrator, or other governmental entity. (No permit required unless part of a comprehensive signage plan)

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- (15)**Landmark/ Historical/Memorial.** Landmark/Historical/Memorial signs shall only be allowed if installed or sponsored and/or approved by a governmental entity. (No permit required)
- (16)**Logo.** Area shall not exceed two (2) square feet and shall be included in the area of the signage allowed.
- (17)**Model Home Office or Sales Trailer.** One (1) sign allowed. Sign area shall not exceed ten (10) square feet. Sign shall refer only to the community to which the sales or leasing refers.
- (18)**Monument.**
- i. Maximum Height: Ten (10) feet.
 - ii. Maximum Sign Area: Fifteen (15) square feet.
 - iii. Maximum Number of Signs per lot: One (1), except as allowed in Section 7-7, Commercial and Light Industrial Districts.
 - iv. Number of Sign Faces: No sign shall have more than two (2) faces.
 - v. Illumination: White external lights only.
 - vi. Minimum Setback of Monument Signs: Ten (10) feet from any public right-of-way, service drive, or entrance.
- (19)**OPEN sign.** Sign area shall not exceed 1.5 square feet (See Section 7-5 A (8). General, Sign Illumination for illumination of OPEN signs. (No permit required)
- (20)**Personal Expression.** Area of sign shall not exceed three (3) square feet, except for grave markers which have no standards. Temporary personal expression signs exceeding three (3) square feet are permitted for up to seven (7) calendar days within a twelve (12) month period. (No permit required)
- (21)**Pole.**
- i. Maximum Height: Six (6) feet.
 - ii. Maximum Sign Area: Fifteen (15) square feet, except where otherwise specifically provided.
 - iii. Maximum Signs per lot: One (1), except where otherwise specifically provided in this Article.
 - iv. Number of Sign Faces: No sign shall have more than two (2) faces.
 - v. Illumination: White external lights only.

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vi. Setbacks: Five (5) feet for front yard. No less than five (5) feet from a residential district for a side yard. No less than twenty (20) feet from a residential district for a rear yard.

vii. For pole signs related to real estate sales or leasing, see Real Estate sign.

(22)**Portable.** Such signs are allowed up to twelve (12) square feet for a single-sided sign and twenty-four (24) square feet for a two-sided sign or sandwich board. Maximum height shall be four (4) feet. Such signs shall not be visible after business hours and shall not be placed in the public right-of-way or public access easement in a manner that blocks pedestrian circulation on a sidewalk. Portable signs are allowed on a continuous basis. (No permit required). No standards for signs in residential districts, except for those standards that apply to the time allowed for such signs.

(23)**Property Posting.** Sign area of each sign shall be limited to no more than two (2) square feet. (No permit required)

(24)**Private Sale, Yard Sale.** Temporary sign limited to three days per sale. (No permit required)

(25)**Projecting.**

i. A projecting sign may extend horizontally from the building to which it is mounted no more than three (3) feet.

ii. If located over a pedestrian walkway, the bottom of a projecting sign shall be at least eight (8) feet above the walking surface of the walkway and may not overhang a public right-of-way or walkway or private access easement or obstruct any walkway, window, or balcony of an adjoining property.

iii. The area of a projecting sign may be one (1) square foot per linear foot of building frontage on which the sign is to be attached, up to twelve (12) square feet.

iv. Setbacks: None.

(26)**Real Estate For Sale or Lease.**

i. Two (2) signs are permitted for each public street frontage if one is a window sign. The second sign shall be a pole sign.

ii. Sign height is limited to six (6) feet.

iii. Sign may not be illuminated.

- iv. Signs shall not overhang a public right of way or private access easement.
- v. Sign must be removed within thirty (30) days of sale or lease of property.
- vi. (No permit required)

(27)**Residence Address and Name.** No standards apply. (No permit required)

(28)**Seasonal produce stand.** No more than two (2) signs allowed. Sign area shall not exceed ten (10) square feet per sign. Sign height shall not exceed six (6) feet. Signs shall only be posted during the selling season.

(29)**Suspended.** See Projecting sign.

(30)**Vehicle Safety Inspection.** No standards apply. (No permit required)

(31)**Wall.**

- i. No wall sign shall cover, cross, or otherwise hide windows, columns, or other architectural features of a building.
- ii. The maximum area of any wall sign shall not exceed one (1) square foot for each linear foot in length of the building façade, or façade of an individual business space, to which such sign is attached up to a maximum aggregate of one hundred (100) square feet.
- iii. The height of a wall sign shall not exceed twenty-five (25) feet from the ground.
- iv. Setbacks: None.

(32)**Window.** Sign shall cover no more than twenty (20) percent of the total window area in which it is placed and shall be located no higher than the first floor of a building, unless permitted under an approved comprehensive signage plan or as may be allowed in Section 7-7.

7-6 SIGNS IN RESIDENTIAL DISTRICTS

A. Residential Developments. Standards apply to residential communities or subdivisions that are developer-owned or that have homeowners associations and to the common areas within these communities or subdivisions. These standards do not apply to individual lots within such communities or subdivisions.

(1) One (1) monument sign showing only the name of the community or subdivision per external street entrance into the community. No other

type of sign is permitted in this location, except for temporary signs, as described in (iv) of this section.

- (2) The height of the sign shall not exceed five (5) feet from the ground.
- (3) Sign(s) shall only be located on commonly owned land within the community.
- (4) Temporary sales sign(s) are allowed with an area not to exceed twenty (20) square feet and shall be allowed until there are no remaining lots for sale. Signs may be pole, wall, banner, portable, or monument type.
- (5) Signs attached to common accessory uses, such as community centers, club houses, tennis courts, and swimming pools, shall have an area no greater than four (4) square feet. Any type of sign is permitted. **No permit required.**
- (6) Directional and address-identification signs shall have a maximum area of two (2) square feet. Any type of sign is permitted. No permit required.
- (7) Security or warning signs are permitted and have no maximum area.
- (8) All such signs shall only be located on common land owned by the development or homeowners association and permits only issued to properly constituted homeowners associations.

B. Non-Residential Uses in Residential Districts.

- (1) Type of sign: wall, monument, projecting, flag, portable. No more than one (1) of any type sign per lot.
- (2) Number of signs: one (1) per street frontage; two (2) per lot.
- (3) Area of an individual signs: monument and wall signs shall be no more than ten (10) square feet. Projecting signs shall be no more than five (5) square feet.
- (4) Total area of signage per lot: thirty (30) square feet.
- (5) Height of monument sign: no more than six (6) feet from the ground.
- (6) Height of wall sign: no more than ten (10) feet from the ground.
- (7) Setbacks and yards: Signs in front yards shall have no setback. Signs shall not be placed in front or side yards, except for through lots, which may have a sign in both front yards. A corner lot may only have a sign in one front yard.
- (8) Illumination: See Sec. 7-5 (A) (8).

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7-7 SIGNS IN COMMERCIAL AND LIGHT INDUSTRIAL DISTRICTS

A. General

- (1) Development and Construction Standards. All signs requiring a permit shall comply with the requirements of Sections 7-5 and 7-6.
- (2) Signs Facing Residential Districts: Any sign erected within one hundred (100) feet of either an existing residential use or a residential district shall be non-illuminated and limited to sixteen (16) square feet in area.

B. Signs for Individual Businesses. A single business located on a single lot is allowed the following:

- (1) Maximum Number of Signs: Three (3) comprised of two (2) permanent and one (1) portable sign.
- (2) Types of Signs Permitted: Wall, monument, projecting, awning, canopy, and portable.
- (3) Height of Sign: See Sec. 7-5.
- (4) Area of Sign: See Sec. 7-5.

C. Signs for Multiple Business Developments. The following sign standards apply to all lots (or multiple contiguous lots under the same ownership) with multiple businesses; including office parks, light industrial parks, and shopping centers:

- (1) Multiple Business Development Identification Sign: One (1) monument sign within twenty-five feet of a public right-of-way that fronts on a public right-of-way. Such signs shall be allowed an area of one (1) square foot per five linear feet of a lot or lots comprising a development, up to a maximum of one-hundred (100) square feet; a maximum height of twelve (12) feet identifying the name of the development and the businesses within the development. The area of signs for individual businesses that are affixed to the multiple business development identification sign shall not be counted as part of the allowable sign area for individual businesses in multiple business development.
- (2) Maximum Number of Signs per Business: Three (3), at least two must have to be permanent.
- (3) Types of Signs Permitted: Wall, monument, projecting, awning, portable, or canopy.
- (4) Maximum Size of Signs: See Standards section.
- (5) Maximum Height of Signs: See Standards section.

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- (6) Directory Sign: One (1) wall mounted sign per building placed near the principal entrance of the building shall be no more than fifteen (15) square feet in area and shall not be included with the number of signs permitted in (c) ii above. The area of signs for individual businesses that are affixed to the directory sign for a multiple business development shall not be counted as part of the allowable sign area for individual businesses in multiple business development.
- (7) Signs for Individual Businesses within Multiple Business Developments: All standards are the same as for individual businesses, except that no monument signs shall be allowed, and second floor tenant space shall be entitled to 25 percent of the sign area which would be allotted to identical first floor tenant space.

7-8 COMPREHENSIVE SIGN PLAN

- (1) A comprehensive sign plan for a single lot or multi-lot development of over two (2) acres with multiple businesses is required and such a plan is meant to provide unified, internally harmonious signage for the entire project.
- (2) Applications for comprehensive sign plans shall indicate the type of signs(s), location on the ground or building size, height, area, design, materials, and color.
- (3) Comprehensive sign plans shall be evaluated in terms of the relationship of the signs to the architecture of the buildings.
- (4) All signs for single lot or multi-lot developments shall comply with the applicable standards in this Article in addition to the standards herein.
- (5) No modifications shall be made to an approved comprehensive signage plan for any single sign or tenant unless the entire comprehensive signage plan is the subject of amendment.

7-9 TEMPORARY SIGNS

- (1) Any sign that is otherwise allowed may be a temporary sign.
- (2) Temporary signs shall be limited to two (2) months during any calendar year.
- (3) Sign area shall comply with standards in this article for types of signs.

7-10 ADMINISTRATION AND ENFORCEMENT

- A. Application for a Permit. Sign permit applications and sign permits shall be governed by the same provisions of this ordinance applicable to zoning permits (See zoning ordinance).

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- (1) *Filing of Application and Fees.* Applications for sign permits shall be filed on a form provided by the Town, and shall be accompanied by the appropriate fee stated in the Town Schedule of Fees.
- (2) *Applicants.* Applicants can be property owners or tenants.
- (3) *Information Required.* All applications for Sign Permits shall contain the information requested on the Sign Permit Application form in order to be processed.

B. Sign Compliance

- (1) No sign shall be constructed, installed, moved, enlarged, illuminated, or substantially altered unless in accordance with the provisions of this ordinance, except as specifically provided below.
- (2) Wherever the building size, location, or orientation results in a circumstance which is not adequately addressed in this article, a modification to the standards provided herein may be permitted in accordance with the provisions of this subsection. The applicant for any such modification must demonstrate to the satisfaction of the Town Council that compliance with the purpose and intent of the sign regulations will not be compromised. Any modification approved by the Town Council shall be included in a sign permit issued by the Zoning Administrator.

C. Expiration of Sign Permits.

A sign permit shall expire and become null and void if the approved sign is not erected within a period of twelve (12) months from the date the permit was originally issued. The Zoning Administrator may grant one extension of the sign permit for a period of six (6) months, but in no case shall a permit be valid for more than a total of eighteen (18) months. Extensions may only be granted when the proposed sign is in compliance with all current applicable regulations. When approved permits become void or expire a new application is required if a sign is to be allowed.

D. Revocation.

The Administrator may revoke a permit or approval if it is found that there has been concealment or misrepresentation of material facts in either the application or plans, or the sign has not been constructed as approved.

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E. Non-Conforming Signs.

Non-conforming signs may not be replaced, reconstructed, enlarged, extended, modified, or moved. A nonconforming sign destroyed by any cause may not be repaired, reconstructed, or replaced except in conformity with this Article. For the purpose of this section, a nonconforming sign is destroyed if damaged to an extent that the cost of repairing the sign to its former condition or replacing the sign with an equivalent sign equals or exceeds 50 percent of the value of the sign so damaged.

F. Construction and Maintenance Standards.

- (1) Building Code Compliance: All signs shall be constructed in compliance with the Virginia Uniform Statewide Building Code.
- (2) Condition of Signs: All signs and components shall be maintained in good repair and in a safe, clean, and attractive condition.

G. Removal of Unsafe Signs.

- (1) Whenever, in the opinion of the Zoning Administrator, a sign becomes structurally unsafe or endangers the safety of a structure or the public, the Zoning Administrator shall order such sign to be made safe or comply with the ordinance as the case may be, or be removed. The order shall be sent registered or certified mail and shall be complied with within five days from the date of the mailing. Failure to comply with the order shall constitute grounds for the Zoning Administrator to have the sign removed, and the cost of the removal shall be added to any penalty assessed for the violation under this ordinance.
- (2) Whenever, in the opinion of the Zoning Administrator, an unsafe sign poses an imminent threat of serious injury to person or property, and the Zoning Administrator is unable to contact the property owner, the Zoning Administrator may cause the sign immediately to be made safe or removed, and the cost thereof shall be charged to the owner.

H. Removal of Illegal Signs.

An illegal sign is any sign that does not comply with any provision of this ordinance. The Zoning Administrator may order the removal of any illegal sign at the expense of the property owner.

Town of Southsville

Speaker Sign - Up Sheet

Town Council Public Hearing and Regular Meeting - January 13, 2011

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹
✓ Howard Williamson	12609 LUTHERAN CHURCH RD LABETTSVILLE	Sign Relocated	
✓ Gayed A. Seyedian	39196 Rodeffer Rd Labettsville, Va	Sign	Sseyedian@yahoo.com

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or no more than five (5) minutes at the end of the meeting.

¹ If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.

Town of Lovettsville

Resolution 2011-01-001: LENNAR CORPORATION—WAIVE REZONING APPLICATION FEE FOR HERITAGE HIGHLANDS

MOTION: Zoldos

SECOND: Senate

WHEREAS, Lennar Corporation is the developer of a residential project known as Heritage Highlands intended to serve older adults developed under a conditional use permit for a mixed use Retirement Community on property zoned R-1, Residential; and

WHEREAS, Lennar Corporation, 287 Joint Venture, and the owners of the dwelling units that have been constructed to date desire to amend certain restrictions in the proffered rezoning and conditional use permit that (i) restrict the age of unit occupants to greater extent than required by the Virginia Fair Housing Law, Va. Code section 36-96.7, (ii) restrict occupancy to owners of the units, (iii) preclude occupancy by care-givers of the principal occupants, (iv) restrict temporary occupancy by visitors of the principal occupants, and (v) restrict unit size; and

WHEREAS, since approval of the rezoning and conditional use permit April 24, 2003, the Lovettsville Zoning Ordinance has eliminated Retirement Community as a conditional use in the R-1 and other zoning districts within the Town and has created the Retirement Community R-C as a separate mixed use zoning district that may be created within the Town; and

WHEREAS, Lennar Corporation, 287 Joint Venture, and the owners of the dwelling units that have been constructed to date have joined together in a rezoning application to address the community deficiencies in the restrictions noted above, as well as to advance the date by which the community facility serving the independent living units must be completed; and

WHEREAS, this rezoning will assist the Town in realizing its vision, expressed in the revised Town Plan, for creation of a vibrant community serving its older citizens, to include the 80 independent living units already approved for construction and an assisted living facility of up to 42 units; and

WHEREAS, the Town Council believes that waiver of the rezoning application fee of \$5,750, intended to recoup some of the costs to the Town of processing applications for sizable developments, is appropriate inasmuch as this is a development that has been comprehensively planned and studied during its original approvals in 2003.

NOW, THEREFORE, BE IT RESOLVED that the Lovettsville Town Council hereby directs that the rezoning application fee of \$5,750 be waived for this application.

The German Settlement

Nothing in this resolution shall be deemed approval of any zoning application or permit or to excuse compliance with the applicable provisions of all zoning, subdivision, site plan and water and sewer ordinances and policies or any agreements imposing obligations upon the properties identified herein.

VOTE:

AYES: Carder, Coleman, Dockum, Senate, Staley, Zoldos

NAYS: None

ABSTENTIONS: None

ABSENT FOR VOTE: None

Adopted this 13th day of January, 2011.

A handwritten signature in black ink, appearing to read "Elaine Walker", written over a horizontal line.

Elaine Walker, Mayor

Town of Lovettsville

VIRGINIA FREEDOM OF INFORMATION ACT Resolution: AUTHORIZE CLOSED SESSION

Date: 01-13-2011

Time: 11:24 pm

MOTION BY: SHAUN STALEY

I move that the Lovettsville Town Council convene in closed session pursuant to Va. Code section 2.2-3711 A

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals,
3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body,
4. The protection of the privacy of individuals in personal matters not related to public business,
5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community,
6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected,
7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; or consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel [For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter],
19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure,

Town of Lovettsville

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body,

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6,

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6 [Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade and tourism development or retention; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected],

with regard to [person, issue or property subject of discussion]

And thereafter reconvene in open session for action as appropriate.

SECOND: TIFFANEY CARDER

VOTE:

Ayes: ZALDOS, DOCKUM, STALEY, CARDER, COLEMAN

Nays: NONE

Abstentions: NONE

Absent for vote: ~~NONE~~ NONE

Roll-call poll by presiding official: MAYOR WALKER

"Do you certify to the best of your knowledge that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Lovettsville Town Council?"

When polled as to whether (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting, the following members stated "Aye:"

01/13, 2011 at 11:50 PM

Certified:

Keith Muhl

Town MANAGER